

1 DRAFT ONLY

2
3 Title: To establish wilderness areas, promote conservation, improve public land, and
4 provide for high quality economic development in Washington County, Utah, and for
5 other purposes.
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8 Be it enacted by the Senate and House of Representatives of the United States of
9 America in Congress assembled,

10 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

11 (a) Short Title.—This Act may be cited as the “Washington County Growth and
12 Conservation Act of 2006”.

13 (b) Table of Contents.—The table of contents for this Act is as follows:

14 Sec.1.Short title; table of contents.

15 Sec.2.Definitions.

16 TITLE I—LAND DISPOSAL

17 Sec.101.Definitions.

18 Sec.102.Conveyance of Washington County Land.

19 Sec.103.Disposition of Proceeds .

20 TITLE II—WILDERNESS AREAS

21 Sec.201.Additions to National Wilderness Preservation System.

22 Sec.202.Administration.

23 Sec.203.Adjacent Management.

24 Sec.204.Native American cultural and religious uses.

25 Sec.205.Release of wilderness study areas.

26 Sec.206.Wildlife management.

27 Sec.207.Wildfire management.

28 Sec.208.Climatological data collection.

29 Sec.209.Natural Park Service land.

30 TITLE III—WILD AND SCENIC RIVER 31 DESIGNATION

32 Sec.301.Zion National Park Wild and Scenic River.

33 TITLE IV—UTILITY CORRIDORS

1 Sec.401.Utility corridor and rights-of way.

2 **TITLE V—HIGH DESERT OFF-HIGHWAY VEHICLE** 3 **TRAIL**

4 Sec.501.High Desert Off-Highway Vehicle Trail.

5 **TITLE VI—RED CLIFFS NATIONAL** 6 **CONSERVATION AREA**

7 Sec.601.Short title.

8 Sec.602.Purpose.

9 Sec.603.Definitions.

10 Sec.604.Establishment of the Conservation Area.

11 Sec.605.Management.

12 Sec.606.Management plan amendments.

13 Sec.607.Acquisition of additional land.

14 Sec.608.Withdrawal.

15 Sec.609.Cooperative agreements.

16 Sec.610.No buffer zones.

17 **TITLE VII—AUTHORIZATION OF APPROPRIATIONS**

18 Sec.701.Authorization of appropriations.

19 **SEC. 2. DEFINITIONS.**

20 In this Act:

21 (1) COUNTY.—The term “County” means Washington County, Utah.

22 (2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

23 (3) STATE.—The term “State” means the State of Utah.

24 **TITLE I—LAND DISPOSAL**

25 **SEC. 101. DEFINITIONS.**

26 In this title:

27 (1) MANAGEMENT PLAN.—The term “management plan” means the St. George
28 Field Office Resource Management Plan.

29 (2) MAP.—The term “map” means the map entitled “Washington County Land
30 Disposal Map” and dated June 2005.

31 (3) SPECIAL ACCOUNT.—The term “special account” means the special account

1 established under section 103(a)(4).

2 SEC. 102. CONVEYANCE OF WASHINGTON 3 COUNTY LAND.

4 (a) In General.—Notwithstanding sections 202 and 203 of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the
6 County, in accordance with that Act, this title, and other applicable law and subject to
7 valid existing rights, shall—

8 (1) conduct sales of the land described in subsection (b)(1) to qualified bidders;
9 and

10 (2) with respect to the parcels of land described in paragraphs (2) and (3) of
11 subsection (b)—

12 (A) conduct sales of the parcels to qualified bidders as the parcels becomes
13 available for disposal; or

14 (B) at the election of the Secretary, exchange the parcels of land for parcels
15 of non-Federal land in accordance with section 206 of the Federal Land
16 Management and Policy Act of 1976 (43 U.S.C. 1716) and other applicable
17 laws.

18 (b) Description of Land.—The land referred to in subsection (a) consists of—

19 (1) the land identified on the map, totaling approximately [____] acres;

20 (2) not less than 12,000 acres of land from the land that is identified as eligible for
21 disposal on the map entitled “Lands Eligible for Consideration Under Section 102
22 Disposal” and dated [____] [lands eligible will specifically exclude any proposed
23 wilderness, areas of critical environmental concern, or other high environmental
24 priority lands]; and

25 (3) additional lands, not to exceed the acreage limitation in subsection (d), from
26 the land that is identified as eligible for disposal on the map entitled “Lands Eligible
27 for Consideration Under Section 102 Disposal” and dated [____] [lands eligible will
28 specifically exclude any proposed wilderness, areas of critical environmental
29 concern, or other high environmental priority lands].

30 (c) Availability of Map and Legal Descriptions.—Each map and legal description shall
31 be on file and available for public inspection in (as appropriate)—

32 (1) the Office of the Director of the Bureau of Land Management;

33 (2) the Office of the Utah State Director of the Bureau of Land Management; and

34 (3) the St. George Field Office of the Bureau of Land Management.

35 (d) Acreage Limitation.—The total acreage of land that may be sold or exchanged
36 under subsection (a) shall be not more than 25,000 acres, of which not less than 17,000
37 acres shall be disposed of by sale.

38 (e) Joint Selection Required.—The Secretary and the County, [after consultation with
39 the State], shall jointly select which parcels of land described in paragraphs (2) and (3) of

1 subsection (b) to offer for sale under subsection (a).

2 (f) Compliance With Local Planning and Zoning Laws.—Before a sale of land under
3 subsection (a), the County shall submit to the Secretary a certification that qualified
4 bidders have agreed to comply with—

5 (1) County and city zoning and other applicable ordinances; and

6 (2) any master plan for the area approved by the County, including any revisions
7 to the master plan that are adopted by the County after the date of enactment of this
8 Act.

9 (g) Method of Sale; Consideration.—The sale of land under subsection (a) shall be—

10 (1) consistent with subsections (d) and (f) of section 203 of the Federal Land
11 Management Policy Act of 1976 (43 U.S.C. 1713);

12 (2) through a competitive bidding process unless otherwise determined by the
13 Secretary; and

14 (3) for not less than fair market value.

15 (h) Withdrawal.—

16 (1) IN GENERAL.—Subject to valid existing rights and except as provided in
17 paragraph (2), the land described in subsection (b) is withdrawn from—

18 (A) all forms of entry and appropriation under the public land laws,
19 including the mining laws;

20 (B) location, entry, and patent under the mining laws; and

21 (C) operation of the mineral leasing and geothermal leasing laws.

22 (2) EXCEPTION.—Paragraph (1)(A) shall not apply to a competitive sale or an
23 election by the County to obtain the land described in subsection (b) for public
24 purposes under the Act of June 14, 1926 (43 U.S.C. 869 et seq.; commonly known
25 as the “Recreation and Public Purposes Act”).

26 (i) Timing of Sales.—

27 (1) IN GENERAL.—The Secretary shall—

28 (A)(i) as soon as practicable after the date of enactment of this Act, conduct
29 the first sale of the land described in subsection (b)(1); and

30 (ii) if the Secretary determines that subsequent sales are needed, conduct
31 additional sales of the land described in (b)(1), which shall be held annually
32 thereafter until the date on which all of the parcels of land are sold;

33 (B) with respect to the land described in subsection (b)(2), conduct sales—

34 (i) not earlier than—

35 (I) [January 1, 2009]; or

36 (II) if the County requests an earlier date, the date that is requested
37 by the County, subject to approval by the Secretary; and

(ii) except as provided in paragraph (2), annually thereafter until the date on which all of the parcels of land described in subsection (b)(2) are sold or exchanged; and

(C) with respect to the land described in subsection (b)(3)—

(i) not earlier than the date on which the land described in subsection (b)(2) is first offered for sale or exchange; and

(ii) except as provided in paragraph (2), annually thereafter until the date on which all of the parcels of land described in subsection (b)(3) are sold or exchanged.

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection [paragraphs (2) and (3) of subsection (b)].

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 103. DISPOSITION OF PROCEEDS .

(a) Disposition of Proceeds.—Of the gross proceeds from a sale of land described in section 102(b)—

(1) 5 percent shall be paid directly to the State, for the support of schools in accordance with section 9 of the Act of July 16, 1894 (28 Stat. 107, chapter 138);

(2) 2 percent shall be paid directly to the County for—

(A) administrative costs; and

(B) the costs of fire protection, flood control, and transportation;

(3) 8 percent shall be paid directly to the Washington County Water Conservancy District for water treatment, transmission facility infrastructure, and water conservation in the County; and

(4) the remainder shall be deposited in a special account in the Treasury of the United States and shall be available without further appropriation to the Secretary until expended for—

(A) the preservation of private land in the vicinity of Kanarra Mountain, located north and east of Zion National Park in Washington and Iron Counties in the State, as identified on the map entitled “Virgin River Headwaters Project” and dated [____], through the purchase of conservation easements from willing sellers, for the purpose of conserving vital watersheds, protecting historic rangeland, and preserving the natural system that exists on the date of enactment of this Act;

(B) additional conservation projects within the County, including—

1 (i) the continued acquisition of non-Federal land as outlined in the
2 Washington County Habitat Conservation Plan of _____, and designated
3 in this Act as the Red Cliffs National Conservation under section 607;

4 (ii) the preservation of critical land important to the protection of the
5 dwarf bear claw poppy and other sensitive species in the area known as
6 “White Dome”;

7 (iii) the acquisition, from willing sellers, of inholdings within Zion
8 National Park;

9 (iv) trail repair and reconstruction within the Dixie National Forest; and

10 (v) capital improvements within--

11 (I) Zion National Park;

12 (II) the Dixie National Forest; and

13 (III) the St. George Field Office of the Bureau of Land
14 Management;

15 (vi) projects relating to parks, trails, and natural areas;

16 (C) the protection and management of the Red Cliffs National Conservation
17 Area established by section 604(a), including the development of any necessary
18 amendments to the management plan under section 606;

19 (D) processing wilderness designation, including the costs of appropriate
20 fencing, signage, public education, and enforcement for the wilderness areas
21 designated;

22 (E) establishing the High Desert Off-Highway Vehicle Trail under section
23 501, including—

24 (i) completing the travel plan required under section 501(b); and

25 (ii) developing and implementing the management plan for the Trail
26 developed under section 501(e)(2);

27 (F) the processing of public land use authorizations and rights-of-way
28 relating to the development of land conveyed under this title; and

29 (G) the reimbursement of costs incurred by the Utah State Office of the
30 Bureau of Land Management and the St. George Field Office of the Bureau of
31 Land Management in preparing for the sale of land described in section 102(b),
32 including the costs of—

33 (i) surveys;

34 (ii) appraisals; and

35 (iii) compliance with—

36 (I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321
37 et seq.); and

(II) sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712).

(b) Investment of Special Account.—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

TITLE II—WILDERNESS AREAS

SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the map entitled “Washington County Wilderness Map” and dated October 1, 2005 (referred to in this title as the “map”), which shall be known as the “Beartrap Canyon Wilderness”.

(2) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 7,145 acres, as generally depicted on the map, which shall be known as the “Blackridge Wilderness”.

(3) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 35,350 acres, as generally depicted on the map, which shall be known as the “Canaan Mountain Wilderness”.

(4) COTTONWOOD.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,650 acres, as generally depicted on the map, which shall be known as the “Cottonwood Wilderness”.

(5) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,642 acres, as generally depicted on the map, which shall be known as the “Cottonwood Forest Wilderness.”

(6) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,568 acres, as generally depicted on the map, which shall be known as the “Cougar Canyon Wilderness.”

(7) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,320 acres, as generally depicted on the map, which shall be known as the “Deep Creek Wilderness”.

(8) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,264 acres, as generally depicted on the map, which shall be known as the “Deep Creek North Wilderness”.

(9) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land

1 Management, comprising approximately 89 acres, as generally depicted on the map,
2 which shall be known as the “Goose Creek Wilderness”.

3 (10) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land
4 Management, comprising approximately 445 acres, as generally depicted on the
5 map, which shall be known as the “LaVerkin Creek Wilderness” .

6 (11) RED BUTTE.—Certain Federal land managed by the Bureau of Land
7 Management, comprising approximately 804 acres, as generally depicted on the
8 map, which shall be known as the “Red Butte Wilderness”.

9 (12) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land
10 Management, comprising approximately 18,290 acres, as generally depicted on the
11 map, which shall be known as the “Red Mountain Wilderness”.

12 (13) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land
13 Management, comprising approximately 35 acres, as generally depicted on the map,
14 which shall be known as the “Taylor Creek Wilderness”.

15 (14) WATCHMAN.—Certain Federal land managed by the Bureau of Land
16 Management, comprising approximately 600 acres, as generally depicted on the
17 map, which shall be known as the “Watchman Wilderness”.

18 (15) ZION.—

19 (A) IN GENERAL.—Certain Federal land in the County managed by the
20 National Park Service, comprising approximately 123,743 acres, as generally
21 depicted on the map, which shall be known as the “Zion Wilderness”.

22 (B) SUBSEQUENT ACQUISITION.—Any land within Zion National Park that is
23 subsequently acquired by the National Park Service by purchase from a willing
24 seller, exchange, or donation, may become wilderness on the recommendation
25 of the Secretary, in accordance with the Wilderness Act (16 U.S.C. 1131 et
26 seq.).

27 (C) TRANSFER OF BUREAU OF LAND MANAGEMENT LAND TO NATIONAL PARK
28 SERVICE.—

29 (i) IN GENERAL.—Administrative jurisdiction over approximately
30 [1,802] acres of Bureau of Land Management land, as depicted on the
31 map, shall be transferred from the Director of the Bureau of Land
32 Management to the Director of the National Park Service.

33 (ii) NONWILDERNESS.—Approximately 391 acres of the land transferred
34 under clause (i) shall be managed by the Director of the National Park
35 Service as a nonwilderness area under the [Zion National Park General
36 Management Plan of ____] and in accordance with the Act of August 25,
37 1916 (commonly known as the “National Park Service Organic Act”) (16
38 U.S.C. 1 et seq.).

39 (D) BOUNDARY ADJUSTMENT.—Any adjustments to the boundary of Zion
40 National Park under this paragraph shall be depicted on the map.

41 (b) Boundary.—The boundary of any portion of a wilderness area designated by

1 subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the
2 road to allow public access.

3 (c) Map and Legal Description.—

4 (1) IN GENERAL.—As soon as practicable after the date of enactment of this Act,
5 the Secretary shall file a map and legal description of each wilderness area
6 designated by subsection (a) with the Committee on Resources of the House of
7 Representatives and the Committee on Energy and Natural Resources of the Senate.

8 (2) EFFECT.—Each map and legal description shall have the same force and effect
9 as if included in this section, except that the Secretary may correct clerical and
10 typographical errors in the map or legal description.

11 (3) AVAILABILITY.—Each map and legal description shall be on file and available
12 for public inspection in (as appropriate)—

13 (A) the Office of the Director of the Bureau of Land Management;

14 (B) the Office of the Utah State Director of the Bureau of Land
15 Management;

16 (C) the St. George Field Office of the Bureau of Land Management; and

17 [(D) the Dixie National Forest Supervisor's Office; and]

18 (E) the Office of the Superintendent of Zion National Park.

19 (d) Withdrawal.—Subject to valid existing rights, the wilderness areas designated by
20 subsection (a) are withdrawn from—

21 (1) all forms of entry, appropriation, and disposal under the public land laws;

22 (2) location, entry, and patent under the mining laws; and

23 (3) operation of the mineral leasing and geothermal leasing laws.

24 **SEC. 202. ADMINISTRATION.**

25 (a) Management.—Subject to valid existing rights, each area designated as wilderness
26 by this title shall be administered by the Secretary in accordance with the Wilderness Act
27 (16 U.S.C. 1131 et seq.), except that—

28 (1) any reference in that Act to the effective date shall be considered to be a
29 reference to the date of enactment of this Act; and

30 (2) any reference in that Act to the Secretary of Agriculture shall be considered to
31 be a reference to the Secretary of the Interior.

32 (b) Livestock.—Within the wilderness areas designated under this title that are
33 administered by the Bureau of Land Management, the grazing of livestock in areas in
34 which grazing is established as of the date of enactment of this Act shall be allowed to
35 continue—

36 (1) subject to such reasonable regulations, policies, and practices that the
37 Secretary considers necessary; and

1 (2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)),
2 including the guidelines set forth in Appendix A of House Report 101–405.

3 (c) Incorporation of Acquired Land and Interests.—Any land or interest in land within
4 the boundaries of an area designated as wilderness by this title that is acquired by the
5 United States after the date of enactment of this Act shall be added to and administered
6 as part of the wilderness area within which the acquired land or interest is located.

7 (d) Water Rights.—

8 (1) FINDINGS.—Congress finds that—

9 (A) the land designated as wilderness by section 201(a)—

10 (i) is arid in nature; and

11 (ii) includes ephemeral streams;

12 (B) the hydrology of the land designated as wilderness by section 201(a) is
13 locally characterized by complex flow patterns and alluvial fans with
14 impermanent channels;

15 (C) the subsurface hydrogeology of the region of the wilderness is
16 characterized by groundwater subject to local and regional flow gradients and
17 artesian aquifers;

18 (D) the land designated as wilderness is generally not suitable for use or
19 development of new water resource facilities;

20 (E) there are no actual or proposed water resource facilities and no
21 opportunities for diversion, storage, or other uses of water occurring outside the
22 land designated as wilderness that would adversely affect the wilderness or
23 other values of the land; and

24 (F) because of the unique nature and hydrology of the desert land designated
25 as wilderness and the existence of the Virgin River Resource Management and
26 Recovery Program, it is possible to provide for proper management and
27 protection of the wilderness, perennial springs and other values of the land in
28 ways not used in other legislation.

29 (2) STATUTORY CONSTRUCTION.—Nothing in this title—

30 (A) shall constitute or be construed to constitute either an express or implied
31 reservation by the United States of any water or water rights with respect to the
32 land designated as wilderness by this title;

33 (B) shall affect any water rights in the State existing on the date of
34 enactment of this Act, including any water rights held by the United States;

35 (C) shall be construed as establishing a precedent with regard to any future
36 wilderness designations;

37 (D) shall affect the interpretation of, or any designation made pursuant to,
38 any other Act; or

39 (E) shall be construed as limiting, altering, modifying, or amending any of

1 the interstate compacts or equitable apportionment decrees that apportion water
2 among and between the State and other States.

3 (3) UTAH WATER LAW.—The Secretary shall follow the procedural and
4 substantive requirements of the law of the State in order to obtain and hold any
5 water rights not in existence on the date of enactment of this Act with respect to the
6 wilderness areas designated by this title.

7 (4) NEW PROJECTS.—

8 (A) WATER RESOURCE FACILITY.—As used in this paragraph, the term
9 “water resource facility”—

10 (i) means irrigation and pumping facilities, reservoirs, water
11 conservation works, aqueducts, canals, ditches, pipelines, wells,
12 hydropower projects, and transmission and other ancillary facilities, and
13 other water diversion, storage, and carriage structures; and

14 (ii) does not include wildlife guzzlers.

15 (B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as
16 otherwise provided in this title, on and after the date of enactment of this Act,
17 neither the President nor any other officer, employee, or agent of the United
18 States shall fund, assist, authorize, or issue a license or permit for the
19 development of any new water resource facility within the wilderness areas
20 designated by this title.

21 SEC. 203. ADJACENT MANAGEMENT.

22 (a) In General.—Congress does not intend for the designation of wilderness in the
23 State pursuant to this title to lead to the creation of protective perimeters or buffer zones
24 around any such wilderness area.

25 (b) Nonwilderness Activities.—The fact that nonwilderness activities or uses can be
26 seen or heard from areas within a wilderness designated under this title shall not preclude
27 the conduct of those activities or uses outside the boundary of the wilderness area.

28 SEC. 204. NATIVE AMERICAN CULTURAL AND 29 RELIGIOUS USES.

30 Nothing in this title diminishes—

31 (1) the rights of any Indian tribe; or

32 (2) any tribal rights regarding access to Federal land for tribal activities, including
33 spiritual, cultural, and traditional food-gathering activities.

34 SEC. 205. RELEASE OF WILDERNESS STUDY 35 AREAS.

36 (a) Finding.—Congress finds that, for the purposes of section 603 of the Federal Land
37 Policy and Management Act of 1976 (43 U.S.C. 1782), any public land in the County

1 administered by the Bureau of Land Management in the wilderness study areas that is not
2 designated as wilderness by section 201(a) or depicted as released on the map has been
3 adequately studied for wilderness designation.

4 (b) Release.—Any public land described in subsection (a) that is not designated as
5 wilderness by this title—

6 (1) is no longer subject to section 603(c) of the Federal Land Policy and
7 Management Act of 1976 (43 U.S.C. 1782(c));

8 (2) shall be managed in accordance with—

9 (A) land management plans adopted under section 202 of that Act (43 U.S.C.
10 1712); and

11 (B) existing cooperative conservation agreements; and

12 (3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et
13 seq.).

14 SEC. 206. WILDLIFE MANAGEMENT.

15 (a) In General.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C.
16 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with
17 respect to fish and wildlife management, including the regulation of hunting, fishing, and
18 trapping, in the wilderness areas designated by this title.

19 (b) Management Activities.—In furtherance of the purposes and principles of the
20 Wilderness Act, management activities to maintain or restore fish and wildlife
21 populations and the habitats to support such populations may be carried out within
22 wilderness areas designated by this title where consistent with relevant wilderness
23 management plans, in accordance with appropriate policies such as those set forth in
24 Appendix B of House Report 101–405, including the occasional and temporary use of
25 motorized vehicles, if such use, as determined by the Secretary, would promote healthy,
26 viable, and more naturally distributed wildlife populations that would enhance wilderness
27 values and accomplish those purposes with the minimum impact necessary to reasonably
28 accomplish the task.

29 (c) Existing Activities.—Consistent with section 4(d)(1) of the Wilderness Act (16
30 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in
31 Appendix B of House Report 101–405, the State may continue to use aircraft, including
32 helicopters, to survey, capture, transplant, monitor, and provide water for wildlife
33 populations.

34 (d) Wildlife Water Development Projects.—Subject to subsection (f), the Secretary
35 shall authorize structures and facilities, including existing structures and facilities, for
36 wildlife water development projects, including guzzlers, in the wilderness areas
37 designated by this title if—

38 (1) the structures and facilities will, as determined by the Secretary, enhance
39 wilderness values by promoting healthy, viable, and more naturally distributed
40 wildlife populations; and

1 (2) the visual impacts of the structures and facilities on the wilderness areas can
2 reasonably be minimized.

3 (e) Hunting, Fishing, and Trapping.—In consultation with the appropriate State agency
4 (except in emergencies), the Secretary may designate by regulation areas in which, and
5 establish periods during which, for reasons of public safety, administration, or
6 compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the
7 wilderness areas designated by this title.

8 (f) Cooperative Agreement.—Not later than 1 year after the date of enactment of this
9 Act, the Secretary shall enter into a cooperative agreement with the State that specifies
10 the terms and conditions under which the State or a designee of the State may carry out
11 wildlife management activities in the wilderness areas designated by this title.

12 SEC. 207. WILDFIRE MANAGEMENT.

13 Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title
14 precludes a Federal, State, or local agency from conducting wildfire and management
15 operations (including operations using aircraft or mechanized equipment) to manage
16 wildfires in the wilderness areas designated by this title.

17 SEC. 208. CLIMATOLOGICAL DATA COLLECTION.

18 Subject to such terms and conditions as the Secretary may prescribe, nothing in this
19 title precludes the installation and maintenance of hydrologic, meteorologic, or
20 climatological collection devices in the wilderness areas designated by this title if the
21 facilities and access to the facilities are essential to flood warning, flood control, and
22 water reservoir operation activities.

23 SEC. 209. NATURAL PARK SERVICE LAND.

24 To the extent any of the provisions of this title conflict with the laws applicable to the
25 National Park Service for Zion National Park, the laws shall control.

26 TITLE III—WILD AND SCENIC RIVER 27 DESIGNATION

28 SEC. 301. ZION NATIONAL PARK WILD AND 29 SCENIC RIVER.

30 Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by
31 adding at the end the following:

32 “(167) ZION NATIONAL PARK, UTAH.—Approximately 170 miles of segments of
33 the Virgin River and tributaries of the Virgin River within Zion National Park, to be
34 administered by the Secretary of the Interior, subject to, and in accordance with, the
35 agreement between the United States, the State of Utah, the Washington County
36 Water Conservancy District, and the Kane County Water Conservancy District
37 entitled ‘Zion National Park Water Rights Settlement Agreement’ and dated

December 4, 1996.”.

TITLE IV—UTILITY CORRIDORS

SEC. 401. UTILITY CORRIDOR AND RIGHTS-OF-WAY.

(a) Utility Corridor.—

(1) IN GENERAL.—Consistent with title II and notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1763), the Secretary shall establish on public land a corridor for utilities, water infrastructure, and transportation purposes, in the County, as generally depicted on the map entitled “Washington County Utility Corridor Map” and dated [_____] (referred to in this title as the “map”).

(2) WIDTH.—The utility corridor established under paragraph (1) shall be—

(A) 2,640-feet wide; or

(B) if the St. George Field Office Resource Management Plan of 1999 provides for a width other than 2,640 feet in a particular portion of the corridor, the width provided by the Plan for the particular portion.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Utah State Director of the Bureau of Land Management; and

(C) the St. George Field Office of the Bureau of Land Management.

(b) Rights-of-Way.—

(1) IN GENERAL.—Notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1763), and subject to valid and existing rights, the Secretary shall grant to the County and the Washington County Water Conservancy District nonexclusive rights-of-way to Federal land in the County for any reservoirs, canals, channels, ditches, pipes, pipelines, tunnels, wells, well fields, pump stations, storage facilities, and other facilities and systems that are necessary for—

(A) the impoundment, storage, treatment, transportation, or distribution of water or wastewater; or

(B) flood control management

as generally depicted on the map entitled _____ and dated _____.

(2) APPLICABLE REQUIREMENTS.—Any right-of-way granted under paragraph (1) shall be consistent with any master plan adopted by the County.

(3) DURATION.—A right-of-way granted under paragraph (1) shall be valid in

1 perpetuity.

2 (4) WAIVER OF FEES.—A right-of-way granted under paragraph (1) shall not
3 require the payment of rental or cost recovery fees.

4 (5) COMPLIANCE WITH NEPA.—Before granting a right-of-way under paragraph
5 (1), the Secretary shall comply with the National Environmental Policy Act of 1969
6 (42 U.S.C. 4321 et seq.), including the identification and consideration of potential
7 impacts to fish and wildlife resources and habitat.

8 (c) Withdrawal.—Subject to valid existing rights, the utility corridors designated by
9 subsection (a) are withdrawn from—

10 (1) all forms of entry, appropriation, and disposal under the public land laws;

11 (2) location, entry, and patent under the mining laws; and

12 (3) operation of the mineral leasing and geothermal leasing laws.

13 (d) State Water Law.—Nothing in this title shall—

14 (1) prejudice the decisions or abrogate the jurisdiction of the Utah State Engineers
15 with respect to the appropriation, permitting, certification, or adjudication of water
16 rights;

17 (2) preempt State water law; or

18 (3) limit or supersede existing water rights or interest in water rights under State
19 law.

20 **TITLE V—HIGH DESERT OFF-HIGHWAY VEHICLE** 21 **TRAIL**

22 **SEC. 501. HIGH DESERT OFF-HIGHWAY VEHICLE** 23 **TRAIL.**

24 (a) Definitions.—In this section:

25 (1) TRAIL.—The term “Trail” means the High Desert Off-Highway Vehicle Trail
26 designated under subsection (c).

27 (2) TRAVEL PLAN.—The term “travel plan” means the travel plan developed under
28 subsection (b).

29 (b) Travel Plan.—Not later than 1 year after the date of enactment of this Act, the
30 Secretary shall complete a travel plan that identifies routes for the Trail.

31 (c) Designation of Trail.—Not later than 30 days after the date on which the travel plan
32 is completed under subsection (b), the Secretary shall designate a system of trails,
33 identified in the travel plan, to be known as the “High Desert Off-Highway Vehicle
34 Trail”.

35 (d) Requirements.—To be eligible for inclusion in the Trail, a route shall be open to
36 motorized and mechanized uses on and after the date of enactment of this Act.

1 (e) Management.—

2 (1) IN GENERAL.—The Secretary shall manage the Trail in a manner that—

3 (A) is consistent with motorized and mechanized use of the Trail that is
4 authorized on the date of enactment of this Act pursuant to applicable Federal
5 and State laws and regulations;

6 (B) ensures the safety of the people who use the Trail; and

7 (C) does not damage sensitive habitat or cultural resources.

8 (2) MANAGEMENT PLAN.—

9 (A) IN GENERAL.—Not later than 18 months after the date of enactment of
10 this Act, the Secretary, in consultation with the State, the County, and any other
11 interested persons, shall complete a management plan for the Trail that
12 includes a description of the routes identified in the travel plan for inclusion in
13 the Trail.

14 (B) COMPONENTS.—The management plan shall—

15 (i) describe the appropriate uses and management of the Trail;

16 (ii) authorize the use of motorized and mechanized vehicles on the
17 Trail; and

18 (iii) describe actions carried out to periodically evaluate and manage the
19 appropriate levels of use and location of the Trail to minimize
20 environmental impacts and prevent damage to cultural resources from the
21 use of the Trail.

22 (3) MONITORING AND EVALUATION.—

23 (A) ANNUAL ASSESSMENT.—The Secretary shall annually assess the effects
24 of the use of off-highway vehicles on the Trail and, in consultation with the
25 Utah Department of Natural Resources, assess the effects of the Trail on
26 wildlife and wildlife habitat to minimize environmental impacts and prevent
27 damage to cultural resources from the use of the Trail.

28 (B) CLOSURE.—Subject to valid existing rights, the Secretary, in
29 consultation with the State and the County, may temporarily close or
30 permanently reroute, subject to subparagraph (C), a portion of the Trail if the
31 Secretary determines that—

32 (i) the Trail is having an adverse impact on—

33 (I) natural resources; or

34 (II) cultural resources;

35 (ii) the Trail threatens public safety;

36 (iii) closure of the Trail is necessary to repair damage to the Trail; or

37 (iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING.—Portions of the Trail that are temporarily closed may be permanently rerouted along existing roads and trails on public lands currently open to motorized use if the Secretary determines that such rerouting will not significantly increase or decrease the length of the Trail.

(D) NOTICE.—The Secretary shall provide information to the public regarding any routes on the Trail that are closed under subparagraph (B), including by providing appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES.—The Secretary shall ensure that visitors to the Trail have access to adequate notice regarding the routes on the Trail that are open through use of appropriate signage along the Trail and through the distribution of maps, safety education materials, and other information considered appropriate by the Secretary.

(f) No Effect on Non-Federal Land and Interests in Land.—Nothing in this section shall be construed to affect ownership, management, or other rights related to non-Federal land or interests in land.

(g) Map on File.—The Map shall be kept on file at the appropriate offices of the Secretary.

TITLE VI—RED CLIFFS NATIONAL CONSERVATION AREA

SEC. 601. SHORT TITLE.

This title may be cited as the “Red Cliffs National Conservation Area Act”.

SEC. 602. PURPOSE.

The purpose of this title is to establish the Red Cliffs National Conservation Area—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, wildlife, endangered species, and recreation resources of the Conservation area as more fully set forth in the Management Plan; and

(2) to serve the needs of communities in the vicinity of the Conservation Area, in accordance with the management plan.

SEC. 603. DEFINITIONS.

In this title:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Red Cliffs National Conservation Area established by section 604(a).

(2) MANAGEMENT PLAN.—The term “management plan” means—

(A) the management plan entitled the “Washington County Habitat Conservation Plan”, including all appendices, and dated December 1995, as approved by the Director of the United States Fish and Wildlife Service on

1 [____];

2 (B) the St. George Field Office Resource Management Plan of March 15,
3 1999.

4 (3) MAP.—The term “map” means the map entitled [____] and dated [____].

5 (4) PUBLIC LAND.—The term “public land” has the meaning given the term
6 “public lands” in section 103 of the Federal Land Policy and Management Act of
7 1976 (43 U.S.C. 1702).

8 SEC. 604. ESTABLISHMENT OF THE 9 CONSERVATION AREA.

10 (a) In General.—There is established in the State the Red Cliffs National Conservation
11 Area.

12 (b) Area Included.—The Conservation Area shall consist of approximately 61,000
13 acres of public land, as generally depicted on the map.

14 (c) Map and Legal Description.—

15 (1) MAP.—The map shall be on file and available for public inspection in the
16 appropriate offices of the Bureau of Land Management.

17 (2) LEGAL DESCRIPTION.—

18 (A) IN GENERAL.—As soon as practicable after the date of enactment of this
19 Act, the Secretary shall submit to the Committee on Energy and Natural
20 Resources of the Senate and the Committee on Resources of the House of
21 Representatives a legal description of the Conservation Area.

22 (B) FORCE AND EFFECT.—The legal description submitted under
23 subparagraph (A) shall have the same force and effect as if included in this Act,
24 except that the Secretary may—

25 (i) correct minor errors in the legal description; and

26 (ii) in consultation with the County, make any minor boundary
27 adjustments that the Secretary and the County determine to be necessary.

28 (C) AVAILABILITY.—The legal description submitted under subparagraph
29 (A) shall be on file and available for public inspection in the office of the
30 Director of the Bureau of Land Management.

31 (3) CONFLICT.—If there is a conflict among the map, the acreage described in
32 subsection (b), or the legal description submitted under paragraph (1), the map shall
33 control with respect to determining the boundaries of the Conservation Area.

34 SEC. 605. MANAGEMENT.

35 (a) In General.—The Secretary, acting through the Director of the Bureau of Land
36 Management, shall, subject to valid existing rights, manage the Conservation Area—

37 (1) in a manner that conserves, protects, and enhances the resources of the

1 Conservation Area described in section 602(1); and

2 (2) in accordance with—

3 (A) the management plan;

4 (B) this Act; and

5 (C) any other applicable laws.

6 (b) Use.—The Secretary shall allow uses of the Conservation Area as set forth in the
7 Management Plan and as the Secretary determines will further the purposes described in
8 section 602.

9 (c) Preventive Measures.—Nothing in this Act precludes any measures that the
10 Secretary determines to be necessary to prevent devastating fire or infestation of insects
11 or disease within the Conservation Area.

12 (d) Water Rights.—

13 (1) STATE WATER LAW.—The laws of the State relating to water rights shall apply
14 to the acquisition and holding of any water rights in the Conservation Area that are
15 not in existence as of the date of enactment of this Act.

16 (2) EFFECT.—Nothing in this title—

17 (A) creates an express or implied reservation by the United States of any
18 water or water rights in the Conservation Area;

19 (B) affects any water rights in the State (including any water rights held by
20 the United States) in existence on the date of enactment of this Act;

21 (C) establishes a precedent with regard to any future conservation area
22 designations;

23 (D) affects the interpretation of, or any designation made pursuant to, any
24 other Act; or

25 (E) limits, alters, modifies, or amends any interstate compact or equitable
26 apportionment decree that apportions water among and between the State and
27 other States.

28 (F) shall be deemed a prohibition against funding, assisting, authorizing, or
29 issuing a license, permit, easement or right-of-way for the development of any
30 new water resource facility within the Conservation Area consistent with utility
31 development protocols provided in the management plan.

32 SEC. 606. MANAGEMENT PLAN AMENDMENTS.

33 (a) In General.—The management plan may be amended as the Secretary determines
34 to be necessary to achieve the purposes of the Conservation Area described in section
35 602.

36 (b) Requirements.—Any amendments to the management plan adopted under
37 subsection (a) shall comply with the procedures for amendments outlined in the
38 management plan, including the requirements that any amendments shall—

- 1 (1) be developed with full public participation; and
2 (2) take into consideration affected landowners, Federal, State, and local agencies,
3 and affected Indian tribes.

4 **SEC. 607. ACQUISITION OF ADDITIONAL LAND.**

5 (a) In General.—The Secretary may acquire land or interests in land in the
6 Conservation Area, by—

- 7 (1) donation;
8 (2) purchase with donated or appropriated funds;
9 (3) exchange for Federal land outside the Conservation Area, in accordance
10 with—
11 (A) section 206 of the Federal Land Management and Policy Act of 1976 (43
12 U.S.C. 1716); and
13 (B) any other applicable law; or
14 (4) with the concurrence of the appropriate agency head, transfer from another
15 Federal agency.

16 (b) State Land.—Land or interests in land owned by the State or a political subdivision
17 of the State may only be acquired by donation, exchange, or purchase.

18 (c) Private Land.—Private land or interests in private land may only be acquired from
19 willing sellers.

20 (d) Subsequent Acquisition.—Any land or interests in land within the boundaries of
21 the Conservation Area that is acquired after the date of enactment of this Act shall be—

- 22 (1) incorporated into the Conservation Area; and
23 (2) managed as part of the Conservation Area, in accordance with—
24 (A) this Act; and
25 (B) any other applicable laws.

26 **SEC. 608. WITHDRAWAL.**

27 (a) In General.—Subject to valid existing rights, all public land in the Conservation
28 Area is withdrawn from—

- 29 (1) all forms of entry, appropriation, and disposal under the public land laws;
30 (2) location, entry, and patent under the mining laws; and
31 (3) operation of the mineral leasing and geothermal leasing laws.

32 (b) Additional Land.—Notwithstanding any other provision of law, if the Secretary
33 acquires additional land within the Conservation Area after the date of enactment of this
34 Act, the land is withdrawn from operation of the laws referred to in subsection (a) on the
35 date of acquisition of the land.

1 **SEC. 609. COOPERATIVE AGREEMENTS.**

2 The Secretary may enter into cooperative agreements with other Federal agencies,
3 State and local agencies, and nonprofit entities that provide for the management and
4 interpretation of natural and cultural resources in the Conservation Area.

5 **SEC. 610. NO BUFFER ZONES.**

6 (a) In General.—The establishment of the Conservation Area shall not create
7 protective perimeters or buffer zones around the Conservation Area.

8 (b) Private Land.—If the use of, or conduct of an activity on, private land outside the
9 boundaries of the Conservation Area is consistent with applicable law, nothing in this
10 title concerning the establishment of the Conservation Area shall prohibit or limit the use
11 or conduct of the activity.

12 **TITLE VII—AUTHORIZATION OF APPROPRIATIONS**

13 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums as are necessary to carry out this
15 Act.
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17